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19 Oct 55 (?)

Mr. Andrew E. Paddock
Chief, Retirement Division
Civil Service Commission
114 Pension Office Building
Washington 25, D.C.

Dear Sir:

Chapter R5-15 of the Federal Personnel Manual provides for the exclusion of twelve categories of employees from the coverage of the Civil Service Retirement Act. This section further provides, however, that these exclusions do not operate if such employees are eligible for coverage because they hold a position in which they had a retirement status and their appointment to the present position, i.e. a position falling within one of the twelve categories, is made without a break in service.

In applying the continuity of service principle, it would appear that two constructions can be placed upon the word "appointment", as used in R5-15. Since the term "appointment" is normally construed, in the technical sense, as the employment of an individual by a personnel action, and there are cited within the 12 categories types of employees who are obtainable by contract, this Agency is desirous of a reply to the following questions:

(a) Is the term "appointment", as used in R5-15, limited to employment by a personnel action?

(b) If the term "appointment" includes personnel hired by contract, is such coverage limited to contract personnel who have an employee relationship to the Government, as opposed to an independent contractor relationship?

This Agency would also appreciate confirmation of its understanding that the continuance of an employee's retirement coverage, because of continuity of service, when applicable, is mandatory.

Sincerely yours,

Harrison C. Reynolds
Director of Personnel

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